

REMARKS

This is in response to the Office Action mailed on May 9, 2007.

Claims 1-10 are currently present in the above-identified application, with claims 1 and 5 being independent.

No new matter has been added.

Reexamination in light of the following remarks is respectfully requested.

Extensions of time

Please treat any concurrent or future reply, requiring a petition for an extension of time under 37 C.F.R. §1.136, as incorporating a petition for extension of time for the appropriate length of time.

New non-final Office Action

At least for the following reasons, if the allowance of the claims is not forthcoming at the very least and a new ground of rejection made, then a **new non-final Office Action** is respectfully requested.

Rejection under 35 U.S.C. §102 and 35 U.S.C. §103

Page 2 of the Office Action indicates that claims 1, 2, 3, 6, and 8 have been rejected under 35 U.S.C. §102 as allegedly being anticipated by U.S. Patent No. 5,882,952 to Kizuki et al. (Kizuki).

This rejection is traversed at least for the following reasons.

Claims 1, 2, 3, 6/2, 6/3, and 8 - Claim 1 is drawn to a *silicon semiconductor substrate* comprising:

a {110} plane or a plane inclined from a {110} plane as a main surface of the substrate;
and

steps arranged at an atomic level along a < 110 > orientation on the main surface.

Kizuki - Kizuki arguably teaches the presence of a *GaAs substrate* (Kizuki at Figure 6).

However, Kizuki fails to disclose, teach, or suggest a *silicon semiconductor substrate*.

Claims 6/4, 6/5 - In addition to the reasons provided hereinabove with respect to claim 1, note that claim 6 is multiple dependent being drawn to the silicon semiconductor substrate according to any of claims 2 to 5.

Kizuki - Regarding the dependency of claim 6 on claim 4, the Office Action **admits** that all features of claim 4 are not found within Kizuki (Office Action at page 4).

Accordingly, claim 6/4 is deemed to contain allowable subject matter.

Regarding the dependency of claim 6 on claim 5, the Office Action **admits** that all features of claim 5 are not found within Kizuki (Office Action at page 5).

Accordingly, claim 6/5 is deemed to contain allowable subject matter.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Page 4 of the Office Action indicates that claims 4 and 7 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kizuki in view of U.S. Patent Application Publication No. 2006/0148143 to Bedell et al.(Bedell).

This rejection is traversed at least for the following reasons.

The above-identified application was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP04/000869. International application No. PCT/JP04/000869 was filed with the International Bureau on January 29, 2004.

However, Bedell has a filing date of January 6, 2005. In this regard, the international filing date of January 29, 2004 for PCT/JP04/000869 is *earlier* than the filing date of January 6, 2005 for Bedell. Thus, the Bedell appears to be unavailable as prior art and that the rejection of the claims using this reference should be withdrawn as a result.

If the allowance of claim 4 is not forthcoming at the very least and a new ground of rejection is made against claim 4, then a new non-final Office Action is respectfully requested.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Page 4 of the Office Action indicates that claims 5 and 7 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Kizuki in view of U.S. Patent Application Publication No. 2005/0003648 to Mitani et al.(Mitani).

This rejection is traversed at least for the following reasons.

The above-identified application was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP04/000869. International application No. PCT/JP04/000869 was filed with the International Bureau on January 29, 2004.

However, Mitani has a publication date of January 6, 2005. In this regard, the international filing date of January 29, 2004 for PCT/JP04/000869 is *earlier* than the publication date of January 6, 2005 for Mitani. Thus, the Mitani appears to be **unavailable as prior art** and that the rejection of the claims using this reference should be withdrawn as a result. See M.P.E.P. §706.02(f)(1)(example 5) and M.P.E.P. §706.02(f)(1)(I)(C)(3)(b).

Mitani is based upon international application No. PCT/JP02/12277, which published on June 12, 2003 as PCT Publication No. WO 03/049189.

However, the above-identified application is entitled to benefit of the filing date of Japanese Patent Application No. 2003-030642, having a priority date of February 2, 2003, which is *earlier* than the publication date of June 12, 2003 for WO 03/049189. As a result, WO 03/049189 is also **unavailable as prior art**.

If the allowance of claim 5 is not forthcoming at the very least and a new ground of rejection is made against claim 5, then a **new non-final Office Action** is respectfully requested.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Newly added claims

Original claim 7 refers back to another multiple dependent claim 6. M.P.E.P. §608.01(n)(I)(B)(4). Accordingly, claim 7 has been amended and claim 10 added.

Claim 10 is deemed to contain allowable subject matter at least for the reasons provided hereinabove and for the additional features that claim 10 recites.

Allowance of the claims is respectfully requested.

Fees

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753.

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Respectfully submitted,

By 

Lee Cheng

Registration No.: 40,949

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicant